

**REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-3 and 6-13 are now present in the application. Claims 1, 7 and 13 are independent. Reconsideration of this application, in view of the following remarks, is respectfully requested.

Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1-3 and 6-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Margulis (U.S. Patent No. 6,263,503) in view of Callway et al. (U.S. Publication No. 2003/00275517A1, hereinafter "Callway") and further in view of Chen et al. (U.S. Patent No. 6,665,751, hereinafter "Chen").

Independent claim 1 discloses that the rate measuring module measures a first transmitting rate of a first digital multimedia signal between the receiving/transferring module and the processing module. In addition, the processing module determines a compression ratio by the first transmitting rate and a compression method.

Although col. 7, lines 44-48 of Margulis disclose that a subsystem processor 518 may receive a high-frequency digital video bit-stream, Margulis neither clearly discloses a rate measuring module nor discloses that the high-frequency digital video bit-stream is measured, by the rate measuring module, between the receiving/transferring module (e.g., digitizer 516, ADC 530, and digital AV path 536) and the processing module (e.g. subsystem processor 518) as a first transmitting rate.

Since Margulis does not measure the first transmitting rate, Margulis accordingly cannot determine the compression ratio (e.g. a 60 field NTSC input video converting to 30 fields per second) (col.8, lines 1-10) according to the measured first transmitting rate.

In addition, the processing module in claim 1 of the present invention further generates a second digital multimedia signal by compressing the first digital multimedia signal with the compression ratio, and a transmitting module is for transmitting the second digital multimedia signal by a predetermined transmitting rate. It will be recognized that the compression level of the second digital multimedia signal can determine whether the second digital multimedia signal can be transmitted by the predetermined transmitting rate. Thus, the compression ratio is related to the predetermined transmitting rate. However, Margulis (col.8, lines 1-10) does not teach that the compression ratio (e.g. a 60 field NTSC input video converting to 30 fields per second) is related to a predetermined transmitting rate.

In col. 4, lines 28-42 and col. 5, lines 40-47 of Chen disclose that Rate component 202 receives buffer state of buffer 401 and provides a slowdown rate to Audio Speed component 204 which slows the data read rate down prior to passing the data to Render 205. Rate component 202 is for receiving the buffer state of buffer 401 and providing the slowdown rate. Rate component 202 is not for measuring a first transmitting rate of a first digital multimedia signal between a receiving/transferring module and a processing module. Moreover, the slowdown rate is for slowing the data read rate down, not for determining a compression ratio. As a matter of course, Rate component 202 of Chen is not equivalent to the rate measuring module of the present invention.

Consequently, based on the arguments set forth above, independent claim 1 of the present invention is patentable over the references relied on by the Examiner. Further, claims 2, 3 and 6 depend from independent claim 1 and are therefore allowable based on their dependence from independent claim 1, which is believed to be allowable.

Additionally, the arguments for claim 1 also apply to claims 7 and 13 of the present invention. In particular, it is disclosed in claims 7 and 13 that a first transmitting rate corresponding to a first digital multimedia signal and a second transmitting rate corresponding to a second digital multimedia signal are measured, i.e. two different transmitting rates can be measured. As mentioned above, since Margulis does not clearly disclose a rate measuring module, Margulis accordingly cannot teach how to measure a first transmitting rate and a second transmitting rate.

Consequently, independent claims 7 and 13 of the application are patentable over the references relied on by the Examiner. Further, claims 8-12 depend from independent claim 7 and are therefore allowable based on their dependence from independent claim 7, which is believed to be allowable.

Applicants respectfully submit that the references relied on by the Examiner do not disclose, teach, or suggest modification of the specifically disclosed structures that would lead one of ordinary skill in the art to arrive at Applicants' claimed structure.

### **CONCLUSION**

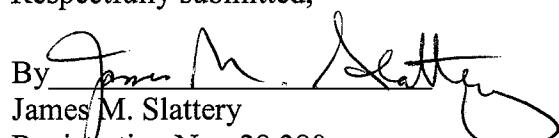
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James M. Slattery, Reg. No. 28,380, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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